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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,221	09/29/2003	Kenneth R. Thurm	THURM-005A	2504
7590 01/12/2006			EXAMINER	
Michael Nornberg STETINA BRUNDA GARRED & BRUCKER Suite 250 75 Enterprise Aliso Viejo, CA 92656			WATSON, ROBERT C	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/674,221	THURM, KENNETH R.	
	Examiner	Art Unit	
	Robert C. Watson	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 68 is/are allowed.
- 6) ☒ Claim(s) 39,45-49,55,59,60 and 69 is/are rejected.
- 7) ☒ Claim(s) 40-44,50-54,56-58,61-67 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39, 46-49, 55, 59, 60, and 69 are are rejected under 35 U.S.C. 103(a) as being unpatentable over Motorcyclejacks.com in view of Wolk.

Motorcyclejacks.com shows a motorcycle lift having a lift structure attached to a wheel support cradle. The wheel support cradle is somewhat poorly shown however it a wheel support cradle is show to engage the forward motorcycle wheel. There appears to be a vertical support structure underneath the forward portion of the wheel support cradle. The specific details of the lift structure are not clearly shown.

Wolk shows a lifting structure that appears to similar or identical to that shown in Motorcyclejacks.com. To connect the various inner and outer lift structures to the support cradle of Motorcyclejacks.com so as to have a complete operative device would have been obvious in view of the teachings of Wolk. The upper portions of structures 50 and 49 are far apart when the lift is collapsed and move close together when the lift is in the raised position. One of ordinary skill in the art would have been motivated to do this in order to provide a well known lifting arrangement for the motorcycle lift.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Motorcyclejacks.com in view of Wolk supra and further in view of Chiesa et al.

To make the lift structure of Motorcyclejacks.com in view of Wolk supra from high-strength would have been obvious for one skilled in the art at the time the invention

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was made in view of the disclosure of Chiesa et al. One of ordinary skill in the art would have been motivated to do this in order to reduce the weight of the lift.

Claims 40-44, 50-54, 56-58, and 61-67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 68 is allowed.

Applicant's remarks have been given careful consideration. Applicant states that he "was unable to find a wheel cradle support" in Motorcyclejacks.com. The examiner does not concur with applicant in this regard. Although the photocopy of Motorcyclejacks.com is somewhat lacking in detail, the examiner notes that that there is a curved wheel support cradle engaging the forward wheel of the motorcycle and that there are vertical struts underneath this curved wheel support cradle. Applicant further states that Motorcyclejacks.com's lifting linkage is not a scissors linkage. The examiner does not concur with this. The Motorcyclejacks.com lifting linkage is what is commonly referred to in the art as a scissors linkage. Further, applicant states that in Wolk roller 54 (second rear end) does not move toward articulation 59 (first forward end) as the lifting structure is raised. The examiner does not concur with applicant in this regard.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 571 272-4498. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ROBERT C. WATSON
PRIMARY EXAMINER

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